

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

ANDREW MILLER,

Plaintiff,

v.

Civil Action No. 2:20-cv-00644

WARDEN, South Central Regional
Jail,

Defendant.

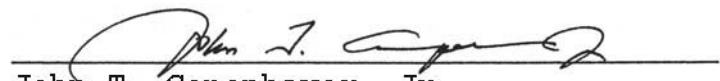
ORDER

The court having received the Proposed Findings and Recommendation ("PF&R") of United States Magistrate Judge Dwane L. Tinsley, entered on April 12, 2023, ECF No. 14; and the Magistrate Judge having recommended that the court dismiss without prejudice the Plaintiff's Petition, ECF No. 2, and amended Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, ECF No. 10, and this action for failure to exhaust state remedies; and no objection having been filed to the PF&R, it is ORDERED that the PF&R be, and hereby is, adopted by the court and incorporated herein.

It is, therefore, ORDERED that the Plaintiff's petition and amended petition and this action be, and hereby are, dismissed without prejudice.

The Clerk is directed to transmit copies of this order to any unrepresented parties, all counsel of record, and the United States Magistrate Judge.

ENTER: May 5, 2023



John T. Copenhaver, Jr.
Senior United States District Judge